IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

WP(C).No. 31609 of 2006(K)

PETITIONER:

JOHN RAPHY,
KANJIRATHINGAL HOUSE,
PADOOR P.O., THRISSUR.

BY ADV. SRI.I.DINESH MENON

RESPONDENTS:

THE REGIONAL TRANSPORT OFFICER/
TAXATION OFFICER,
THRISSUR.

BY GOVERNMENT PLEADER SRI.M.A.FAYAZ.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C).NO.31609 of 2006-K

Dated this the 29th day of November, 2006

JUDGMENT

The petitioner has approached this Court seeking a direction to the respondent to consider and pass orders on Ext.P4 representation filed by him. It is a representation claiming the relief of instalment facility for paying the motor vehicles tax due, in relation to the vehicle KL-10/D-2707. The petitioner is admittedly its registered owner. No provision in the Motor Vehicles Taxation Act has been brought to my notice which enables the Taxation Officer, to grant instalment facility as prayed for in Ext.P4. Therefore, the prayer for mandamus cannot be granted as the petitioner does not have a legal right and the respondent does not owe any corresponding legal duty to the petitioner.

2. But, the learned counsel for the petitioner points out that in Ext.P3 he has been directed to show cause why he is not paying the tax. In the first para of Ext.P4 he has dealt with the reason for not paying the tax, in time. The respondent is directed to consider whether the reasons stated in Ext.P4 are

sufficient, to absolve him from the liability to pay the tax. This the respondent shall do, if Ext.P4 is actually received by him. Only on communication of a decision on Ext.P4, further proceedings shall be initiated against the petitioner.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE.

MS